

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN CLEMENTE, an individual, BRIAN DAILEY,
an individual, JOHN WERKSMA, an individual,
DENNIS STOL, an individual, KAREN STOL, an individual,
CHARLES TAYLOR, II, an individual,
GLENN RAY, an individual, BRIAN DePALMA, an individual,

No. 2:09 cv-13854
Hon. Robert H. Cleland

Plaintiffs,

-v-

FRANK VASLO, in his official and individual capacity,
STEVE DUCHANE, in his official and individual capacity,
ROBERT BARTOK, in his official and individual capacity,
CITY OF LINCOLN PARK, a Michigan municipal corporation,

Defendants.

JOEL B. SKLAR (P38338)
Attorney for Plaintiff
615 Griswold, Suite 1116
Detroit, MI 48116
313.963.4529
Fax 313.963.9310
jsklar@dovebid.com

DANA NESSEL (P51346)
Co-counsel for Plaintiff
615 Griswold, Suite 1116
Detroit, MI 48116
313.963.4529
Fax: 313.963.4529
dananessell@hotmail.com

ROGER A. SMITH (P27722)
GARAN LUCOW MILLER, P.C.
Attorney for Defs. Vaslo, Duchane & Bartok
1111 W. Long Lake Road, Suite 300
Troy, MI 48098
248.641.7600
Fax: 248.641.0222
rsmith@garanlucow.com

AUDREY J. FORBUSH (P41744)
PLUNKETT & COONEY
Attorney for Def. City of Lincoln Park
111 W. Court Street, Suite 1B
Flint, MI 48502
810.342.7014
Fax: 810.232.3159
aforbush@plunkettcooney.com

ORDER DISMISSING AFFIRMATIVE DEFENSES
NUMBERS 5 AND 11 AS SET FORTH BY THE
DEFENDANTS, FRANK VASLO, in his official and individual capacity,
STEVE DUCHANE, in his official and individual capacity,
ROBERT BARTOK, in his official and individual capacity
IN RESPONSIVE PLEADINGS FILED NOVEMBER 6, 2009

At a session of said Court, held in
the Theodore Levin Courthouse,
City of Detroit, State of Michigan
on 12/11/2009
Present: Hon. ROBERT H. CLELAND
U.S. District Court Judge

This matter having been raised by stipulation of the parties and the Court being otherwise fully informed in the premises:

Wherefore,

IT IS HEREBY ORDERED that Defendants', FRANK VASLO, in his official and individual capacity, STEVE DUCHANE, in his official and individual capacity, and ROBERT BARTOK, in his official and individual capacity, Affirmative Defense Nos. 5 and 11 as filed on November 6, 2009, be and the same are hereby stricken and dismissed.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: December 11, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, December 11, 2009, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

I stipulate to entry of the above Order:

/s/ Joel B. Sklar (with permission 12/07/09)
JOEL B. SKLAR (P38338)
Attorney for Plaintiff

/s/ Audrey J. Forbush (with permission 12/08/09)
AUDREY J. FORBUSH (P41744)
Attorney for Def. City of Lincoln Park

/s/ Roger A. Smith
ROGER A. SMITH (P27722)
GARAN LUCOW MILLER, P.C.
Attorney for Defs. Vaslo, Duchane & Bartok

Dated: December 8, 2009